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COLUMBUS TELEPHONE COMPANY

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November 24, 2003

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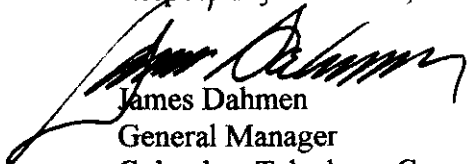
MS. Marlene H Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Columbus Telephone Company
CC Docket No. 96-45
Petition for Waiver of Deadlines in 47 C.F. R. 54.301(b)**

Dear Ms Dortch

Enclosed are an original and four (4) copies of the above referenced Petition for Waiver
Pursuant to Section 1.1105 of the Commission's rules, there is no filing fee associated
with this request

Respectfully submitted,


James Dahmen
General Manager
Columbus Telephone Company
224 South Kansas
Columbus, Kansas 66725

620 429 3132

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Enclosures

Original petition and four copies

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

NO. 2 of 2003

In re)	
)	
Columbus Telephone)	CC Docket No 96.45
Company)	
)	
Petition for Waiver of Deadline)	
In 47 C F R. 54 301(b))	

Waiver – expedited action requested

**PETITION OF COLUMBUS TELEPHONE COMPANY
FOR WAIVER OF DEADLINE IN 47 C.F.R. 54.301(b)**

Columbus Telephone Company, pursuant to Section 1.3 and 1.925 of the Commission's rules,¹ hereby petitions the Commission for waiver of the October 1, 2002 filing deadline for local switching projected data set forth in Section 54.301(b)² of the Commission's rules and requests the Commission accept its 2002 Local Switching Support data submissions as timely

Columbus Telephone Company is an Eligible Telecommunications Carrier ("ETC") in the state of Kansas, and is eligible to receive Local Switching Support (LSS) as an incumbent local exchange carrier ("ILEC"). Prior to June 1, 2002, Columbus Telephone Company was an average schedule incumbent local exchange carrier and a member of the National Exchange Carriers Association ("NECA") serving approximately 1740 rural customers, with 2750 access lines in the town of Columbus, Kansas. During Columbus Telephone Company's tenure as an average schedule company, Columbus Telephone Company received Local Switching Support as an incumbent local exchange carrier for Study Area Code 411756

At the end of the third quarter of 2002, Columbus Telephone Company changed its' classification from "Average Schedule" to "Cost" and in doing so discontinued drawing support from the NECA pools

¹ 1. See 47 C.F.R. 1.3, 47 C.F.R. 1.925

² 2. See 47 C.F.R. 54.301(b)

On or before January 6, 2003, Universal Service Administrative Company ("USAC") notified Columbus Telephone Company they had not received their Local Switching Support filing, and Columbus Telephone Company needed to submit this filing in order to receive their 2003 support. Columbus Telephone Company immediately submitted its 2002 filing to USAC. Columbus Telephone Company understands very well the extreme importance of timely data and certification filings by all ETCs, and regrets a filing omission occurred

With the exception of 2002, for the 2003 projection NECA has provided notification of the LSS filing requirements, and the due date to all members. In 2002, NECA did not provide this information to its membership. As a result, many telecommunication companies were late in their filings of LSS information to USAC.

In the March/April timeframe, both Columbus Telephone Company and its consultants started contacting USAC to determine the timing of Columbus' 2003 LSS fund disbursement. The response from USAC was, "That the matter was under review by USAC." USAC repeated this response upon every inquiry.

On or about September 17, 2003, Columbus' consultants placed another inquiry call to USAC. But this time, after a lengthy conversation, Columbus' consultants received a different response from a USAC staff member. The response was Columbus Telephone Company needed to contact the USAC office in Washington, DC. The staff in the Washington, D.C. office informed Columbus Telephone Company USAC was cracking down on "late-filers," and since Columbus Telephone Company filed their LSS information late, there would not be any funds available for the 2003 calendar year.

In investigating this matter it was determined in previous years as a average schedule company and a member of the NECA pools, when Columbus Telephone Company submitted its' LSS information in January of each year and received LSS payments the following year; unbeknown to them, NECA was also submitting Columbus Telephone Company's data to USAC.

After discussing this matter with NECA, NECA advised Columbus Telephone Company a deadline waiver would be necessary for LSS support payments to be distributed based on the data collection information delivered to USAC in January 2003. To date, Columbus Telephone Company has not been able to obtain any assistance from USAC in addressing this issue. This, after seven months of telephone conversations, and being told the issue was under review.

The Local Switching Support for Columbus Telephone Company is \$120,620, which represents about 8 percentage of Columbus Telephone Company operating income and as such denotes the level and quality of service Columbus Telephone Company can provide its approximately 1740 rural customers. Not receiving the LSS fund will adversely influence Columbus Telephone Company ability to maintenance the quality of service to the public is expected by both the Federal Communications Commission and the Kansas

Corporation Commission Columbus Telephone Company is currently operating in the "RED" without the Local Switching Support, and without these funds, it is highly unlikely Columbus Telephone Company will be successfully in maintaining the quality of service to the public.

REQUEST FOR WAIVER

Columbus Telephone Company understands very well the extreme importance of timely data and certification filings by all ETCs, and regrets its' USAC 2002 LSS Data Collection was filed late. The Commission will find Columbus Telephone Company has an otherwise excellent record of accomplishment for meeting all data and certification deadlines. A one-time late filing occurred due to confusion over whether NECA would continue to provide LSS data collection information to USAC. Columbus Telephone Company cites the confusion regarding this filing of the 2002 LSS information not as an excuse for missing the October 1, 2002 deadline for LSS data collection; but rather simply as an explanation of how it occurred.

Section 1.3 of the Commission's rules provides the Commission with discretion to waive application of any of its rules upon showing of good cause. In addition, Section 1.925(b) (3) provides for waiver where it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that grant of a waiver would be in the public interest, or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rules would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

Columbus Telephone Company takes no issue with the reasonableness of the Commission's rules requiring timely data submissions by ILEC, and recognizes the importance of compliance with these rules. Columbus Telephone Company contends the purpose of these rules, however, is to ensure the Commission and USAC are able to properly project, collect, and distribute all universal service mechanisms in a timely and accurate manner. Given USAC requested the information from Columbus Telephone Company, and Columbus Telephone Company immediately provided the requested data to USAC, the lateness should not have unduly hindered USAC's administrative functions relative to the projection, collection, or distribution of Local Switching Support assistance.

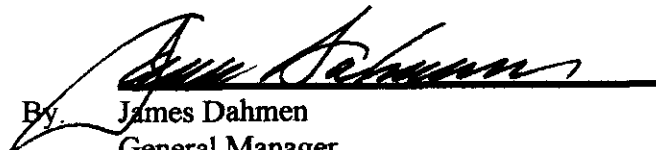
Because Columbus Telephone Company took immediate action upon notification of its filing error, Columbus Telephone Company contends an interruption of its LSS support for an entire year would frustrate the purpose of the Local Switching Support rules, and would not serve the public interest. The Columbus Telephone Company offering that is

the subject of this wavier has been approved for ETC status by the Kansas Corporation Commission ("KCC,") and proper use of the support provided has been certified by Columbus Telephone Company with the Commission, USAC, and the KCC. While denial of projected Local Switching Support during the year of projection due to a filing error – an error immediately corrected upon discovery – would not be in the public interest

For the reason stated above, Columbus Telephone Company feels it has shown good cause for waiver of this filing deadline under Section 1.3 of the Commission's rules, as well as justification for such a waiver at the Commission's discretion under Section 1 925(b) (3). The waiver would serve the public interest by allowing Columbus Telephone Company to receive uninterrupted LSS support for its ETC offering. Expedited action is requested so USAC may accept Columbus Telephone Company's 2003 projected Local Switching Support data as timely, allowing the data included in these filings to be incorporated into USAC's 2003 projections and support payments, and allowing Columbus Telephone Company to receive it full and uninterrupted LSS Support

Respectfully submitted,

Columbus Telephone Company

By. 
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General Manager
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